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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/099,888

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Thomas Andrew Strasser

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27774

7590

05/24/2006

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EXAMINER

LI, SHI K

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/099,888		STRASSER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Shi K. Li		2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. FIG. 2 is objected to under 37 CFR 1.84(o) because there are no descriptive legends for the boxes (e.g., box 230<sub>1</sub>). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The proposed changes for FIG. 1, FIG. 4, FIG 5 and FIG. 7 are accepted.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 2 recites the limitation "said at least one second transponder is adapted to receive multiple wavelength components from the second WDM output port". However, the specification does not describe a transponder that operates with a multiple wavelength components in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Sharratt et al.

(U.S. Patent Application Pub. 2001/0040710 A1).

Regarding claim 1, Sharratt et al. discloses in FIG. 1 an optical communication network includes a plurality of nodes. Sharratt et al. discloses in FIG. 6 an optical coupling arrangement of a node for adding and dropping channels. FIG. 6 includes an input port (input port of amplifier 1230) with 32 channels and a plurality of output ports, e.g., output port P1 from transponder 1330, output port of amplifier 1240 and output port of amplifier 1250. Sharratt et al. teaches in FIG. 7 another configuration for switching a channel from ring 200 to another ring 210. Sharratt et al. teaches in FIG. 8 a modified interface that combines the function of FIG. 6 and FIG. 7 (see paragraph [0121]). That is, interface 1500 adds/drops optical channels at one time and switches channels from one ring to another ring at another time. Sharratt et al. teaches in FIG. 7 that transponder 1412 is coupled to WDM output port of amplifier 1250.

Regarding claim 1, Sharratt et al. teaches in paragraph [0122] that more transponders can be incorporated into the interface 1500 for receiving multiple wavelength components.

Regarding claims 3 and 4, Sharratt et al. teaches in FIG. 2 an interconnection device for connecting ring 20 and ring 30. FIG. 2 includes a plurality of couplers for directing optical channels from one ring to the other ring.

### ***Response to Arguments***

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7. Applicant's arguments filed 9 March 2006 have been fully considered but they are not persuasive.

Regarding the 112, second paragraph rejections, the Applicant argues that those skilled in the art would appreciate that a transponder may operate with multiple wavelength signals and refers the Examiner to page 6, paragraph [0026] of the specification. The Applicant argues that the "optical signals" of course may be multiple wavelength signals. However, the paragraph recited by the Applicant is not the same as the paragraph in the specification as originally filed. The original specification reads as follows:

[0026] An arrangement of reconfigurable optical switches such as depicted in FIG. 4 is employed in copending U.S. Patent Appl. Serial No. [PH01-00-04C] to provide a protection scheme in the event of a transponder (i.e., a transmitter/receiver pair in which an optical signal originates as, or terminates in, an electrical signal) failure. ... (emphasis added)

To the understanding of the Examiner, one transponder handles one wavelength component (or wavelength channel). For example, instant specification shows in FIG. 5 a plurality of transponders to handle a plurality of wavelength components.

Regarding the 102(e) rejection, the Applicant argues that there is no indication that Sharratt can selectively direct any one of the wavelength components received on the input port to any of the output ports independently of any other of the wavelength components, and selectively direct any combination of two or more of the wavelength components from the input port to at least two of the output ports that serve as WDM output port. The Examiner disagrees. Sharratt teaches in FIG. 3 a structure of a channel control unit (CCU). The CCU can direct any

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wavelength component received on the input port A to port B or port C independent of any other of the wavelength components. Sharratt uses the CCUs in FIG. 8 for directing wavelength components from an input port to any of the output ports. For example, the input port of 430 is an input port labeled 210; the output port of 530 is a first output port labeled 220; and the output port of 420 labeled 210 is a second output port. Any wavelength components can be selected and routed from the input port to first output port via 430, coupler 640, 500, CCU 330, coupler 660, and 530. Any wavelength components can be selected and routed from the input port to the second output port via 430, coupler 640, CCU 260, coupler 630, and 420. Sharratt teaches in paragraph [0120] and paragraph [0122] that each CCU can have one or more transponders. Sharratt teaches that a CCU can have a transponder or without a transponder (i.e., the CCU is just a transmission span).

The Applicant argues that claims 3 and 4 recites that the optical coupling arrangement route in an "optical transparent manner" while the optical coupling arrangement noted in the Action include transponders 1200 and 1400, and do not route wavelength components in an optical transparent manner. The Examiner disagrees. The Action rejects claims 3 and 4 based on FIG. 2 of Sharratt, which does not include transponders.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shi K. Li whose telephone number is 571 272-3031. The examiner can normally be reached on Monday-Friday (8:30 a.m. - 5:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

skl  
18 May 2006



**Shi K. Li**  
**Patent Examiner**